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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,471	09/10/2003	Johann Moser	VOI0275.US	6830

7590

07/26/2004

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,471	Applicant(s) MOSER ET AL.	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/10/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1) Applicant's election without traverse of species of shown in Figure 1, drawn on claims 1-11, in the reply filed on 7/8/2004, is acknowledged.

Claim 12 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1-3, are rejected under 35 U.S.C. 102(b) as being anticipated by Odell (5,395,484).

Claim 1: Odell discloses a twin wire former wherein pulp suspension J is fed from a headbox into gap G formed by forming roll 22A and guide roll 11 of endless loops formed by wires 10 and 20. As shown in Figure 5, wire 10 is a bottom wire containing roll 11, and wire 20 is a top wire containing roll 22A; both of said wires traveling proximate to each other over a substantially vertical segment run. The substantially vertical segment run stretches from gap G to a turning element in the upper portion of the run over which said wires 10 and 20

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are turned. The turning element is a smooth-faced forming roll 15, contained within bottom wire 10. In the substantially vertical segment within wire 10 are a forming unit and flat boxes 85, and within wire 20 are suction boxes and flat box 79. Following the roll 15 turning element is a separation element separating the top wire from the bottom wire (col. 9, line 25 to col. 12, line 26, and Figures 2, 5).

Claims 2-3: as shown in Figure 5, the separation element separating the top wire from the bottom wire, is a transfer suction box. The operation of the transfer box under claimed partial vacuum is considered as a method limitation and not a structural limitation, thus it does not receive patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 6, 10-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Odell.

Claim 6: Odell is applied as above for claim 1, Odell is silent on the separation element extending substantially across a width of the fiber. As shown in Figure 5, Odell discloses the separation element separating the top wire from the bottom wire. It would have been obvious, to one skilled in the art at the time the invention was made, that the separation element extends

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substantially across a width of the fiber, because that is good operational practice in that it would assure uniform adhesion of the web to wire 10.

Claims 10-11: Odell is applied as above for claim 1, Odell is silent on the downwardly angle of the two revolving continuous wires. As shown in Figure 5, Odell discloses the turning element at a small downwardly angle from the horizontal. It would have been obvious, to one skilled in the art at the time the invention was made, that the downwardly angle of the two revolving continuous wires be within the range claimed in order to provide smooth transfer of the formed web to wire 10.

Allowable Subject Matter

4) Claims 4-5, 7-9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indication of allowable subject matter is that the cited prior art does not show: a twin wire former wherein the separation element is a transfer suction box of design claimed (claim 4); a twin wire former containing a flat suction box located between a guide roll and a transfer suction box (claim 7).

Conclusion

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern
Patent Examiner
Art Unit 1731